



**DEPARTMENT OF THE NAVY
HEADQUARTERS
NAVAL CRIMINAL INVESTIGATIVE SERVICE
27130 TELEGRAPH ROAD
QUANTICO VA 22134-2253**

5720 2019-001597
SER00LJF/18U1876
December 4, 2018

Dr. Nick Turse
The Nation INstitute
100 Manhattan Ave. Apt 2109
Union City, NJ 07087

Dear Dr. Turse:

This responds to your November 28, 2018 Freedom of Information Act (FOIA) request seeking information pertaining to case control number 05OCT16MEDJ-0208-8SNA/C. Your request was received in this office on November 28, 2018.

The processing of the documents has been completed. Our review of these documents reveals that they contain personal identifiers (such as names and social security numbers) of third parties, the release of which would constitute an unwarranted invasion of personal privacy. Accordingly, we must partially deny your request and withhold this information pursuant to FOIA provisions 5 U.S.C. § 552(b)(6) and (b)(7)(C). All releasable information is provided to you at enclosure (1). We have also provided an enclosure explaining the various exemptions of the FOIA.

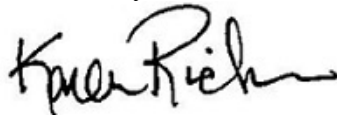
As the official responsible for the partial denial of your request, I am advising you of your right to appeal this determination. Your appeal must be postmarked within 90 calendar days from the date of this letter and should be addressed to the Secretary of the Navy's designee: Office of the Judge Advocate General, (Code 14), 1322 Patterson Avenue, S.E., Suite 3000, Washington Navy Yard, D.C. 20374-5066. The envelope and letter must bear the annotation "FOIA Appeal." A copy of your initial request and a copy of this partial denial letter must accompany the appeal.

If you choose not to appeal, you have the right to seek dispute resolution services. You may contact the Department of the Navy's FOIA public liaison, Mr. Chris Julka, at christopher.a.julka@navy.mil or (703) 697-0031 or the Office of Government Information Services (<https://ogis.archives.gov/>).

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There are no assessable fees associated with the processing of your request. If you have any questions regarding this matter, please contact our office at (571) 305-9092 or via email at ncis_foia@ncis.navy.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen Richman", with a stylized flourish at the end.

KAREN RICHMAN

Assistant Counsel

Head, Government Information and Sharing Unit

Encl:
(1) Documents



Explanation of the Nine FOIA Exemptions

The following is a list of FOIA exemptions which apply to Government information in accordance with 5 U.S.C. § 552(b):

(b)(1) EXEMPTION – Protects Classified Matters of National Defense or Foreign Policy.

This exemption protects from disclosure national security information concerning the national defense or foreign policy, provided that it has been properly classified in accordance with the substantive and procedural requirements of an executive order.

(b)(2) EXEMPTION – Internal Personnel Rules and Practices.

This exemption exempts from mandatory disclosure records “related solely to the internal personnel rules and practices of an agency.” Courts have interpreted the exemption to encompass two distinct categories of information:

- (a) Internal matters of a relatively trivial nature – sometimes referred to as “low2” information: and

(b)(3) EXEMPTION – Information Specifically Exempted by Other Statutes:

This exemption incorporates the disclosure prohibitions that are contained in various other federal statutes. As originally enacted in 1966, Exemption 3 was broadly phrased so as to simply cover information “specifically exempted from disclosure by statute.” The new Exemption 3 statute prohibits agencies from releasing under the FOIA proposals, “unless that proposal” is set forth or incorporated by reference in a contract entered into between the agency and the contractor that submitted the proposal.”

(b)(4) EXEMPTION – Trade Secrets Commercial or Financial Information.

This exemption protects “trade secrets and commercial or financial information obtained from a person (this is) privileged or confidential.” This exemption is intended to protect the interest of both the government and submitter of information.

(b)(5) EXEMPTION – Privileged Interagency or Intra-Agency Memoranda or Letters.

This exemption protects “inter-agency or intra-agency memorandums of letters which would not be available by law to a party... in litigation with the agency.” As such, it has been construed to “exempt those documents, and only those documents, normally privileged in the civil discovery context.”

(b)(6) EXEMPTION- Personal Information Affecting an Individual’s Privacy.

This exemption permits the government to withhold all information about individuals in “personnel and medical files and similar files” when the disclosure of such information “would constitute a clearly unwarranted invasion of personal privacy.” This exemption cannot be invoked to withhold from a requester information pertaining to the requester.

(b)(7) EXEMPTION – Investigatory Records Compiled for Law Enforcement Purposes.

As amended, this exemption protects from disclosure “records or information compiled for law enforcement purposes.

EXEMPTION 7(A) Records of information that could reasonably be expected to interfere with enforcement proceedings. This exemption authorizes the withholding of “records or information compiled for law enforcement purposes, but only to the extent that production of such law enforcement records or information... could reasonably be expected to interfere with enforcement proceedings.”

EXEMPTION 7(B) Disclosure which would deprive a person of a fair trial or an impartial adjudication. Records that would prevent prejudicial pretrial publicity that could impair a proceeding, protect “records of information compiled for law enforcement purposes (the disclosure of which) would deprive a person of the right to a fair trial or an impartial adjudication.”

EXEMPTION 7(C) Personal Information in Law Enforcement Records. This exemption provides protection for personal information in law enforcement records. This exemption is the law enforcement counterpart to Exemption 6, providing protection for law enforcement information the disclosure of which “could reasonably be expected to constitute an unwarranted invasion of personal privacy.”

EXEMPTION 7(D) Identity of a Confidential Source. This exemption provides protection for “records or information compiled for law enforcement purposes (which) could reasonably be expected to disclose the identity of a confidential source – including a State, local or foreign agency or authority or any private institution which furnished information on a confidential basis – and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source.”

EXEMPTION 7(E) Circumvention of the Law. This exemption affords protection to all law enforcement information which “would disclose techniques and procedures for law enforcement investigation or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.”

EXEMPTION 7(F) Physical Safety to Protect a wide Range of individuals. This exemption permits the withholding of information necessary to protect the physical safety of a wide range of individuals. Whereas Exemption 7(F) previously protected records that “would... endanger the life or physical safety of law enforcement personnel.” The amended exemption provides protection to “any individual when disclosure of information about him or her “could reasonably be expected to endanger (his/her) life or physical safety.”

(b)(8) EXEMPTION – Records of Financial Institutions.

This exemption covers matters that are “contained in or related to examinations, operating, or condition reported prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions.”

(b)(9) EXEMPTION – Geographical and Geophysical Information Concerning Wells.

This exemption covers “geological and geophysical information and data, including maps concerning wells.”

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NAVAL CRIMINAL INVESTIGATIVE SERVICES
RECORDS MANAGEMENT DIVISION
LAW ENFORCEMENT RECORDS

Package ID #: 0033643-002180

Name:

NCIS (b)(6), (b)(7)(C)

AKA:

Social Security Number:

NCIS (b)(6), (b)(7)(C)

Context: Subject

Date of Birth:

NCIS (b)(6), (b)(7)(C)

State of Birth:

Country of Birth: US - United States of America

Case Number: 05OCT16MEDJ02088SNA

Dossier:

DCII INDEX CODE:
K = 50 YearsRECORD SERIES #:
5580/4a(1)(b)Date Closed:
10/07/2016

RECORD SERIES (FILE PLAN)

ty Svcs - Law Enforcement - NCIS Criminal Investigative - Controlled Death, Sex Investigations, & Case Files (Created on or after 1 January 1988)

Criminal Investigative Reports

Comments:

☐ No

Polygraph Examination Conducted

☐ No

Sexual Offender Registry Completed

☐ No

Finger Prints Submitted to Code 23C2

☐ No

Final Disposition Report to FBI

CIS -

/

☐

Closed Status

☐

Dup Title

☐

Dup CCN

Disclosure/Accountability Statement: If this investigation is disseminated outside NCIS, complete NCIS Form 009/10-80, and ensure it is retained in the case file.



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16 / 17917

I, NCIS (b)(6), (b)(7)(C)

certify that t

Typed Name of SSA

28 OCT 16

DATE

NCIS (b)(6), (b)(7)(C)

Unclassified when separated from attachment unless otherwise indicated.

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Privacy Act Statement

Privacy Sensitive - Any misuse or unauthorized disclosure may result in both civil or criminal penalties

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (CLOSED ONLY)

07OCT16

SEXUAL ASSAULT - ADULT (II)

CONTROL: 05OCT16-MEDJ-0208-8SNA/C

NCIS (b)(6), (b)(7)(C)

COMMAND/1-124TH CAVALRY REGIMENT/PMXTO

MADE AT/MEDJ/DJIBOUTI - NCISRU/ NCIS (b)(6), (b)(7)(C) SPECIAL AGENT

EXHIBIT(S)

- (1) IA: Results of Interview NCIS (b)(6), (b)(7)(C) CT16
- (2) IA: Results of Contact with US Army Criminal Investigations Division/07OCT16

NARRATIVE

1. This reactive investigation pertains to suspected violations of Article 120 (Abusive Sexual Contact) of the Uniform Code of Military Justice.

2. On 05Oct16, NCIS (b)(6), (b)(7)(C) was interviewed at NCIS Resident Agency Djibouti, where NCIS (b)(6), (b)(7)(C) related approximately two weeks prior to the date of interview NCIS (b)(6), (b)(7)(C) rubbed NCIS (b)(6), (b)(7)(C) arm up the inner thigh of NCIS (b)(6), (b)(7)(C) to the vaginal area. NCIS (b)(6), (b)(7)(C) explained that NCIS (b)(6), (b)(7)(C) and NCIS (b)(6), (b)(7)(C) were assigned to ride in the same vehicle the night the alleged sexual assault occurred. NCIS (b)(6), (b)(7)(C) advised she was riding in the front passenger seat of the vehicle. NCIS (b)(6), (b)(7)(C) reported that NCIS (b)(6), (b)(7)(C) and NCIS (b)(6), (b)(7)(C) were taking radio batteries to the Sierra 2 Tower aboard Chebelley Airfield, Djibouti. NCIS (b)(6), (b)(7)(C) said she became tired and placed her right foot on the corner dashboard area of the vehicle near the frame supporting the windshield. Upon arrival at Sierra 2 tower, NCIS (b)(6), (b)(7)(C) exited the vehicle, circled to the passenger side of the vehicle and subsequently opened the door. NCIS (b)(6), (b)(7)(C) then reached between NCIS (b)(6), (b)(7)(C) legs and used NCIS (b)(6), (b)(7)(C) left elbow to move NCIS (b)(6), (b)(7)(C) right leg so that NCIS (b)(6), (b)(7)(C) body pivoted toward NCIS (b)(6), (b)(7)(C). NCIS (b)(6), (b)(7)(C) subsequently opened the glove compartment of the vehicle, retrieved the batteries from the glove compartment, smiled at NCIS (b)(6), (b)(7)(C) and exited the vehicle. Additionally, later in the same night in which NCIS (b)(6), (b)(7)(C) was allegedly sexually assaulted, NCIS (b)(6), (b)(7)(C) stated NCIS (b)(6), (b)(7)(C) attempted to tickle NCIS (b)(6), (b)(7)(C) by squeezing NCIS (b)(6), (b)(7)(C) lower quadriceps (just above the knee) and subsequently sliding NCIS (b)(6), (b)(7)(C) hand along the inside of NCIS (b)(6), (b)(7)(C) leg up to NCIS (b)(6), (b)(7)(C) vaginal area; Exhibit (1) pertains.

3. Alcohol was not a contributing factor and a Military Protective Order was issued. NCIS (b)(6), (b)(7)(C) declined a Sexual Assault Forensic Examination (SAFE), and previously laundered her clothing worn during the alleged abusive sexual contact.

4. On 06Oct16, as a result of NCIS (b)(6), (b)(7)(C) and NCIS (b)(6), (b)(7)(C) being members of the

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL:05OCT16-MEDJ-0208-8SNA/C

07OCT16

United States Army, and the alleged abusive sexual contact occurring outside the confines of Camp Lemonnier, Special Agent [REDACTED] NCIS (b)(6), (b)(7)(C) Assistant Operations Officer, 5th MP Battalion, U.S. Army CID, reported two CID agents are responding to Camp Lemonnier, Djibouti in response to the referral of the captioned investigation; Exhibit (2) pertains.

4. NCISRA Djibouti's investigation is complete. All investigative efforts have been forwarded to USACID for action deemed appropriate.

DISTRIBUTION

NCISHQ:23B2

INFO :002A/MEDJ/MEBJ/MEFO/USA CID (Attn: SA [REDACTED] NCIS (b)(6), (b)(7)(C) [REDACTED] NCIS (b)(6), (b)(7)(C) @mail.mil)) (E)/USA CID (Attn: [REDACTED] NCIS (b)(6), (b)(7)(C) [REDACTED] NCIS (b)(6), (b)(7)(C) @mail.mil)) (E)

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PAGE 2 LAST [REDACTED] NCIS (b)(6), (b)(7)(C)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

07OCT16

CONTROL: 05OCT16-MEDJ-0208-8SNA/C

NCIS (b)(6), (b)(7)(C)

RESULTS OF INTERVIEW NCIS (b)(6), (b)(7)(C)

1. On 05Oct16, Reporting Agent (RA) interviewed NCIS (b)(6), (b)(7)(C) regarding the facts and circumstances surrounding captioned investigation. Prior to interview, RA fully identified himself NCIS (b)(6), (b)(7)(C) (Sexual Harassment/Assault Response & Prevention Specialist, NCIS (b)(6), (b)(7)(C) was present during the interview.

2. The interview of NCIS (b)(6), (b)(7)(C) was video/audio recorded. As such, this report serves to denote highlights derived from the interview of NCIS (b)(6), (b)(7)(C) the documentation of the interview in its entirety. A Digital Versatile Disc containing footage of said interview was appended as Enclosure (A).

NCIS (b)(6), (b)(7)(C) related approximately two weeks prior to 05Oct16, NCIS (b)(6), (b)(7)(C) touched NCIS (b)(6), (b)(7)(C) while the two were working at Chabelley Airfield, Djibouti. NCIS (b)(6), (b)(7)(C) rubbed NCIS (b)(6), (b)(7)(C) arm up the inner thigh of NCIS (b)(6), (b)(7)(C) leg to NCIS (b)(6), (b)(7)(C) vaginal area. NCIS (b)(6), (b)(7)(C) explained that NCIS (b)(6), (b)(7)(C) and NCIS (b)(6), (b)(7)(C) were assigned to ride together in Raptor 3, a Toyota Land Cruiser, the night the alleged sexual assault occurred. NCIS (b)(6), (b)(7)(C) advised she was riding in the front passenger seat of the vehicle when the alleged sexual assaults occurred. NCIS (b)(6), (b)(7)(C) reported NCIS (b)(6), (b)(7)(C) and NCIS (b)(6), (b)(7)(C) were taking radio batteries to the Sierra 2 Tower aboard Chabelley Airfield, Djibouti. NCIS (b)(6), (b)(7)(C) said she became tired and placed her right foot on the corner dashboard area of the vehicle, near the frame supporting the windshield. Upon arrival at Sierra 2 tower, NCIS (b)(6), (b)(7)(C) exited the vehicle, circled to the passenger side of the vehicle and subsequently opened the front passenger side door. NCIS (b)(6), (b)(7)(C) then reached between NCIS (b)(6), (b)(7)(C) legs and used NCIS (b)(6), (b)(7)(C) left elbow to move NCIS (b)(6), (b)(7)(C) right leg so that NCIS (b)(6), (b)(7)(C) body pivoted toward NCIS (b)(6), (b)(7)(C). NCIS (b)(6), (b)(7)(C) subsequently opened the glove compartment of the vehicle, retrieved the batteries from the glove compartment, smiled NCIS (b)(6), (b)(7)(C). Then exited the vehicle. Additionally, later in the same night, NCIS (b)(6), (b)(7)(C) attempted to tickle NCIS (b)(6), (b)(7)(C) squeezing NCIS (b)(6), (b)(7)(C) lower quadriceps (just above the knee) and subsequently sliding NCIS (b)(6), (b)(7)(C) hand along the inside of NCIS (b)(6), (b)(7)(C) leg up to NCIS (b)(6), (b)(7)(C) vaginal area. NCIS (b)(6), (b)(7)(C) advised no one else was present during the alleged sexual assaults nor NCIS (b)(6), (b)(7)(C) reported the alleged sexual assaults to anyone the night they occurred. NCIS (b)(6), (b)(7)(C) stated she did not message anyone about what had happened on the night of the alleged sexual assaults.

NCIS (b)(6), (b)(7)(C) related there were four other female soldiers who had been subjected to lewd comments by NCIS (b)(6), (b)(7)(C). Further, NCIS (b)(6), (b)(7)(C) believed one of the other four females had been touched by NCIS (b)(6), (b)(7)(C) in a similar manner that

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTROL: 05OCT16-MEDJ-0208-8SNA/C

07OCT16

NCIS (b)(6), (b)(7)(F) was touched by NCIS (b)(6), (b)(7)(F) declined to identify the other four female soldiers.

NCIS (b)(6), (b)(7)(C) stated it was not ordinary for she and NCIS (b)(6), (b)(7)(C) to communicate via Facebook message, text message or telephone communication.

NCIS (b)(6), (b)(7)(C) stated she was informed of the availability of a SAFE examination at the Emergency Medical Facility, Camp Lemonnier, however NCIS (b)(6), (b)(7)(C) declined said examination. NCIS (b)(6), (b)(7)(C) also advised she had washed the uniform that she was wearing the night the alleged sexual assaults occurred.

NCIS (b)(6), (b)(7)(C) was provided a Victim Witness Assistance Program pamphlet. NCIS (b)(6), (b)(7)(C) said she had not received a copy of a Military Protective Order between NCIS (b)(6), (b)(7)(C) and NCIS (b)(6), (b)(7)(C).

ENCLOSURE(S)

(A) DVD Containing Footage of the Interview NCIS (b)(6), (b)(7)(C) 05Oct16

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: DJIBOUTI - NCISRU

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NCIS (b)(6), (b)(7)(C)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

07OCT16

CONTROL: 05OCT16-MEDJ-0208-8SNA/C

NCIS (b)(6), (b)(7)(C)

RESULTS OF CONTACT WITH US ARMY CRIMINAL INVESTIGATIONS DIVISION

1. On 05Oct14, NCISRA Djibouti requested investigative assistance from the United States Army Criminal Investigations Division (CID).
2. On 06Oct14, Special Agent NCIS (b)(6), (b)(7)(C) reported two CID agents would respond to Camp Lemonnier, Djibouti in response to assumption of captioned investigation.

REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: DJIBOUTI - NCISRU

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PAGE 1 LAST NCIS (b)(6), (b)(7)(C) UNN

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REPORTED BY: NCIS (b)(6), (b)(7)(C) Special Agent
OFFICE: DJIBOUTI - NCISRU

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